



South Carolina House of Representatives

Legislative Update & Research Reports

Robert J. Sheheen, Speaker of the House

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House Week in Review

A number of bills prompted debate in the House of Representatives last week. Among them, H.3261, a Judiciary Committee bill extending the terms of Family Court judges from four to six years.

The House spent most of Wednesday afternoon discussing the ramifications of H.3261. After a spate of parliamentary maneuvering by opponents of the bill, the legislation was given second reading by a 57-47 vote.

Discussion of the Family Court bill came up again before third reading, but the House gave the legislation final approval by a 67-39 vote. The bill now goes to the Senate for consideration.

Rules Change

The House also changed its rules to allow the state Appropriations Bill to reflect the new program budget format initiated by the House Ways and Means Committee.

The rules change will also give House members more information as the budget passes through the final stages of the legislative process. The conference committee report on the budget must now include the amounts passed by the House and the Senate, the amounts agreed upon by the conference committee and the current fiscal year appropriations.

This will be the first year that the Appropriations Bill reflects the move toward program budgeting. This session, twenty-eight agency budgets will appear in the bill under the new format. According to the Ways and Means Committee, the program budget format has several advantages over the old line item budget.

Under program budgeting, the programs of the agency will be displayed along with their mission statements and statutory authority. Program objectives will be identified so that measurement can be made of program costs and effectiveness. The program format also will provide members with the information necessary to debate the policy issues of state programs and services, rather than expenditures such as travel, supplies and equipment, which may be reviewed by the auditors.

Bills Introduced

Here is a sampling of the bills introduced in the House last week. Not all of the bills introduced are featured here. The bills are organized by the standing committees to which they were referred.

Agriculture and Natural Resources Committee

Hazardous Waste Reduction (H.3297, Rep. Hallman). This bill would require an annual reduction in the amount of hazardous waste a landfill could accept, after setting a maximum amount at 135,000 tons in the 1989-90 fiscal year. After this maximum amount is set, the legislation requires that this amount be reduced by 10 percent each year for five years.

This reduction would also be required of in-state and out-of-state generators of hazardous waste if their waste is disposed of in South Carolina. Generators would be required to reduce the amount of waste it disposes in the state by 10 percent each year for five years, beginning with the 1989-90 fiscal year.

The bill also would prohibit the transporting of hazardous, solid or medical wastes into South Carolina for disposal unless the state of origin would permit the disposing of that type of waste from South Carolina.

Prohibition Against Hazardous Waste (H.3326, Rep. Sheheen). This bill would make it unlawful for any owner or operator of a waste treatment, storage or disposal facility in South Carolina to accept hazardous waste from a state which prohibits by law the treatment, storage or disposal of that hazardous waste within its boundaries. This prohibition is extended to those states which have not entered into an interstate or regional agreement for the safe treatment, storage or disposal of hazardous waste as required by the federal Comprehensive Environmental Response, Compensation and Liability Act.

The bill would require the state to submit written documentation as proof that it complies with these requirements before waste from that state could be accepted in South Carolina.

The preamble of the bill states that "it is a genuine and significant interest of the state of South Carolina to protect the citizens and environment of the state from the unencumbered influx of hazardous waste generated in states which do not responsibly provide for the treatment, storage and disposal of hazardous waste within their own borders, or which refuse to enter into an interstate or regional agreement to share the responsibilities of safe and effective hazardous waste management."

Scenic Rivers Act (H.3353, Rep. R. Brown). The bill would create the South Carolina Scenic Rivers Acts of 1989 to provide for the protection of selected rivers and river segments unique for their scenic, recreational, geologic, botanical, fish, wildlife, historic or cultural value.

The state Water Resources Commission would be authorized to oversee the program, beginning with an inventory of all the state's rivers, identifying rivers or river segments with unique characteristics.

The bill outlines the process the Water Resources Commission must follow when designating a river or river segment as falling under this proposed act. Under this process, which would include public hearings and a local advisory board, the state would purchase land adjacent to the rivers designated as scenic, or have the property donated. If the land is donated, the landowner would be eligible for a state income tax deduction. Any land donated under this act would revert to the owner if it ceases to be used for the purpose it was donated.

The bill also would create the Scenic Rivers Trust Fund, administered by the commission, to acquire fee simple or lesser interest in land adjacent to scenic rivers or river segments. Gifts or donations, state or federal funds may be placed in this fund.

The bill also outlines the way the rivers may be managed by the commission. The bill would allow the continuation of present agricultural practices, such as crop planting or grazing, in scenic or recreational river areas. Timber could also be cut if approved by Water Resources Commission regulations, in consultation with the State Forestry Commission. No mining or road building would be permitted paralleling the designated river or river segments.

Judiciary Committee

Jurors and Absentee Ballots (H.3306, Rep. Mappus). This bill would allow people serving as state or federal jurors to vote by absentee ballot on election days.

Political Party Loyalty (H.3303, Rep. Rudnick). Under this bill, an elected official would have to resign his office if he wanted to change his political party affiliation during his term of office. The bill states that the resignation would be necessary if the official signed the party pledge and subsequently is elected in the party primary and general election. The bill would not prevent the elected official from running for the office if, after resigning, he changes party affiliation and wins the nomination of his new party.

Fuzzbusters (H.3307, Rep. Mappus). This bill would prohibit the operation and sale of law enforcement radar detection devices, AKA "fuzzbusters." Violation of the provisions in this bill would be a misdemeanor and result in a fine of not less than \$25 or more than \$100. The devices may be forfeited to be used as evidence, but must be returned to the owner, if requested, at the owner's expense. A person would not be guilty of these provisions if the radar detection device in question had no power source or was not readily accessible.

Re-election of Judges (H.3331, Rep. Wofford). This bill would allow for the popular re-election of judges after they were first elected by the General Assembly. This provision would apply to judges on the Supreme Court, the Court of Appeals, Circuit Court and Family Court. Under this bill, retention election of judges would be non-partisan. Supreme Court and Court of Appeal judges seeking re-election to the bench would run statewide; Circuit Court and Family Court judges, in their jurisdiction. If a majority of the voters are against the retention of a judge, his office is declared vacant at the end of his term and the General Assembly would elect a successor. The judge who "lost" his retention election would not be able to seek re-election before the General Assembly.

This bill would take effect after the passage of a constitutional amendment changing the way the Constitution currently requires Supreme Court, Court of Appeals and Circuit Court judges to be elected and re-elected by the General Assembly.

More Violent Crimes (H.3332, Rep. Wofford). Under this bill, strong armed robbery, assault and battery of a high and aggravated nature, and injuring or killing a person while DUI would be added to the list of offenses defined as "violent crimes." Crimes specified as violent under state law carry stiffer consequences for the convicted: three convictions result in a life sentence without parole. They exclude the convicted from the Community Penalties Program and make him ineligible for a sentence reduction on the basis of educational credits. They also can have an impact on when the convicted can be paroled or furloughed.

Increase Penalty for Possession of Knives and Guns (H.3333, Rep. Wofford). This legislation would increase the penalty for the use of a knife or gun during the committing of a violent crime. Use of a knife or gun would result in an additional 15 year penalty, instead of the current 5 year penalty. This additional 15 year sentence would be mandatory and run consecutively with the other sentence.

Popular Election of PSC Commissioners (H.3346, Rep. Rudnick). Under this bill, members of the Public Service Commission would be elected by the public. The bill calls for one commissioner to be elected from each of the six congressional districts, and one member to run statewide. This at-large commissioner would serve as chairman. The PSC commissioners would serve for four years, with the bill, if enacted, going into effect beginning in 1990. Current PSC members would continue to serve until January 1, 1991 when they would be replaced by the popularly elected commission.

Impersonating an Officer (H.3349, Rep. Rudnick). This bill would make it a felony to impersonate a law enforcement officer or use equipment that gives the impression of law enforcement affiliation during the commission of a crime. This felony would carry a five year sentence, which would be in addition to any sentence received for commission of the crime. The five year sentence would be mandatory -- no part could be suspended or paroled.

Popular Re-election of Judges (H.3354, Rep. Wofford). This is the proposed amendment to the State Constitution required in connection with H.3331, previously cited.

Labor, Commerce and Industry Committee

Insurance Claims (H.3348, Rep. Rudnick). Insurance companies would be required to pay any benefits due under an accident or health insurance policy immediately upon receiving proof of the loss, except benefits due for loss of time. If the insurer does not pay immediately, he has 15 days to give the insured written notice of why the claim has not been paid, and what additional documentation, if any, is needed to pay the claim. If an insurer fails to comply with these provisions, he must pay the insured 18 percent interest on the benefits due.

Fees on Bank Accounts (H.3356, Rep. Baxley). This bill would prohibit any financial institution from levying a fee against an account for inactivity.

Auto Insurance Classification Plans (H.3340, Rep. Neilson). Under this bill, insurance companies selling automobile insurance would be allowed to set their own risk classification plans to be filed with the Chief Insurance Commissioner. These classification plans would go into effect January 1, 1990. Currently, the State Rating and Statistical Division is empowered, through order of the commissioner, to set the classification plan for all companies.

South Carolina Fair Housing Law (H.3298, Rep. Washington). This lengthy bill would provide, within constitutional limitations, for fair housing throughout the state. The bill would make it unlawful to discriminate on the basis of race, color, sex, religion, handicap, familial status or national origin when renting or selling housing. This would include advertising, which could not indicate a limitation or preference as to whom the property is available. Discrimination also would be prohibited in connection with multiple listing services or other real estate organizations; in insurance of property; and in the making of loans.

Religious organizations or private clubs would not be prohibited from limiting or giving preference to their own members when providing lodging owned by the organization or club.

The bill contains a number of provisions that ensure equal access to the handicapped in multifamily dwellings, and better housing opportunities for the elderly.

The State Human Affairs Commission would administer this law and investigate complaints.

Medical, Military, Public and Municipal Affairs Committee

Clean Indoor Air Act (H.3303, Rep. Sturkie). This bill would prohibit smoking, except in designated areas, in public indoor places, including schools; preschools; day care facilities; health care facilities, except private rooms; retail stores, including department and grocery stores; government buildings; elevators; food service establishments which seat 50 or more people; public transportation, except taxis; public theaters and auditoriums, and public laundry facilities.

Violators would be guilty of a misdemeanor and face fines between \$10 and \$25.

Premarital Examination (H.3337, Rep. Fair). Under this bill, no marriage license would be issued in South Carolina without a doctor's certificate stating the parties have submitted to laboratory tests showing them free from sexually transmitted diseases, including AIDS. In the case of a party who cannot be certified as free from a sexually transmitted disease, the license could be issued if the prospective spouse files an affidavit stating he or she has been informed of the other's health condition. An applicant who is refused a marriage license may appeal to the Family Court.

Rehabilitation for Youthful Offenders (H.3330, Rep. Wofford). This bill would require that the state Department of Corrections use 60 percent of the rehabilitation funding it receives for the rehabilitation of youthful and first offenders.

Ways and Means Committee

"Zero-based Budgets" (H.3358, Rep. Corning). This bill would require that 24 state agencies undergo a zero-based budget analysis every eight years. This review would be conducted by joint legislative committees, whose members are from the House and Senate standing committees which oversee the area of the particular agency. During these hearings, each of the 24 agencies would have to justify all of its recurring expenses for the current fiscal year and any additional funding requested. The joint reviewing committees would make recommendations on increasing or decreasing agency funding to the House Ways and Means Committee and Senate Finance Committee.

The 24 agencies included in the bill are the departments of Education; Mental Health; Mental Retardation; Corrections; Youth Services; Probation, Parole and Pardon; Social Services; Vocational Rehabilitation; Health and Environmental Control; Parks, Recreation and Tourism; Wildlife and Marine Resources; the University of South Carolina; the Medical University of South Carolina; Clemson; State TEC Board; Health and Human Services Finance Commission; Alcohol and Drug Abuse; Forestry Commission; Tax Commission; ETV; State Development Board; SLED; the Attorney General's Office, and the Judicial Department.

Reinsurance Facility Losses (H.3335, Rep. Baker). This bill proposes increasing the taxes on beer, wine and alcohol with the proceeds going to the South Carolina Reinsurance Facility to offset current and future losses.

Taxpayers' Bills of Rights (S.202, Senate Finance Committee). The mission of this bill, to be administered by the State Tax Commission, is to help promote improved voluntary taxpayer compliance and to adequately protect the taxpayers' rights during the process of assessing and collecting taxes.

Under this bill, the commission would establish the post of Taxpayers' Rights Advocate, who would help resolve taxpayer complaints and problems. The Tax Commission would also step up its taxpayer education program, including information brochures written in non-technical language explaining the rights available to taxpayers. The bill would prohibit the commission from using the amount of delinquent taxes collected to evaluate an employee's performance.

Further, the bill outlines the procedures the commission must follow when collecting unpaid taxes, including the use of written installment payment agreements for a 90 day period if it will facilitate payment. The bill gives the taxpayer the right to bring legal action for damages if a Tax Commission employee recklessly disregards the commission's procedures.

Data on Hazardous Waste

Hazardous waste disposal is not a new issue in South Carolina. For years, proponents and opponents have debated the many facets of this issue. The debate over hazardous waste disposal has escalated in recent months, culminating with Governor Campbell's announcement during the State of the State address that South Carolina would no longer accept hazardous waste disposal shipments from states that ban disposal within their own boundaries.

This background report includes the text of the governor's executive order on hazardous waste and some of the data compiled by the state Department of Health and Environmental Control for its annual Hazardous Waste Activity Report. The latest available report is for 1987.

Summary Data from the 1987 DHEC Hazardous Waste Report:

- 70 percent of all hazardous waste generated by South Carolina companies remain in the state to be treated on-site or by commercial off-site facilities within the state.
- 30 percent of the waste generated in South Carolina was shipped out of state.
- 75 percent of the hazardous wastes commercially treated, stored, disposed or recovered by South Carolina facilities was received from sources outside the state.
- The remaining 25 percent of the wastes commercially treated, stored, disposed or recovered by South Carolina facilities originated within South Carolina. "This scenario indicates that South Carolina is definitely a net importer of hazardous wastes," the report notes.

- Of the 25 states that South Carolina shipped waste to in 1987, Pennsylvania, North Carolina, Alabama, Georgia, New Jersey and Louisiana were the most prominent with approximately half of the 36,000 tons going to Pennsylvania.
- 35 states sent hazardous waste to South Carolina in 1987. Of these, North Carolina, Florida, Georgia, Virginia, Pennsylvania, New Jersey, Tennessee, Massachusetts and Maryland shipped the most tonnage, with North Carolina accounting for approximately one-third of the 147,000 total tons received.
- With a few exceptions, the bulk of the interstate hazardous waste shipments occurred between South Carolina and surrounding states.
- The majority of the hazardous waste being received by this state was sent to the GSX landfill in Pinewood.

Commercial Hazardous Waste Landfills in the U.S. by State

- In the southern United States, only four states have commercial hazardous waste landfills. They are

Chemical Waste Management of Alabama, Inc, Emelle, ALABAMA

GSX Services of South Carolina, Pinewood, SOUTH CAROLINA

CECOS International, Livingston, LOUISIANA

Chemical Waste Management, Sulphur, LOUISIANA

Rollins Environmental Services, Baton Rouge, LOUISIANA

Rollins Environmental Services, Deer Park, TEXAS

Texas Ecologists, Inc., Robston, TEXAS

- Ten others states have commercial hazardous waste landfills. They are (number of landfill follows in parenthesis):

California (5); Idaho (1); Illinois (4); Indiana (3); Michigan (3); Nevada (1); New York (2); Ohio (3); Oklahoma (1); Oregon (1); Utah (1).

Amount of Waste Generated by South Carolina County in 1987

<u>County</u>	<u>Amount (in pounds)</u>
Abbeville	76,075
Aiken	546,467,199*
Allendale	482,089
Anderson	4,008,907
Bamberg	78,342
Barnwell	133,994
Beaufort	1,602,554
Berkeley	8,848,082,134*
Charleston	24,567,279
Cherokee	418,078
Chester	39,894,342
Chesterfield	1,176,473
Clarendon	173,992
Colleton	89,755
Darlington	29,139,263
Dillon	6,160
Dorchester	1,090,622
Edgefield	33,250
Fairfield	240,280
Florence	1,455,141
Georgetown	9,807,677
Greenville	13,135,852
Greenwood	209,767
Hampton	1,224,326
Horry	1,104,205
Kershaw	870,951
Lancaster	1,359,316
Laurens	24,956,339
Lee	82,900
Lexington	17,847,510
Marion	218,408
Marlboro	40,752
Newberry	412,007
Oconee	639,896
Orangeburg	8,886,851
Pickens	413,409
Richland	6,988,302
Saluda	2,400
Spartanburg	89,150,117*
Sumter	11,619,655
Union	53,856
Williamsburg	16,534
York	12,142,706
TOTAL	9,700,399,665

*Includes contribution from hazardous wastewater treatment flows.

Amount of Waste Received from Out-of-State Generators in 1987

These state-by-state totals reflect all the out-of-state waste treated, stored, disposed of and recovered in South Carolina. Only the amount of waste disposed of in South Carolina has been singled out in this chart.

<u>State</u>	<u>Disposed (tons)</u>	<u>Total (tons)</u>
Alabama	3.79	2,342.22
Arkansas	1.50	11.09
California	0.09	12.10
Colorado	20.93	20.93
Connecticut	1,855.14	2,736.81
District of Columbia	19.79	21.67
Delaware	2,975.11	2,977.47
Florida	3,914.60	16,080.80
Georgia	10,904.59	15,845.57
Iowa	0.00	3.79
Illinois	56.95	860.13
Indiana	16.98	853.02
Kentucky	440.36	498.06
Louisiana	6.62	173.49
Massachusetts	4,628.11	5,589.33
Maryland	3,579.65	5,346.10
Maine	40.54	40.54
Michigan	0.00	57.46
Minnesota	18.66	253.75
Missouri	0.00	29.33
Mississippi	10.66	36.22
North Carolina	44,485.92	57,252.29
New Hampshire	72.48	135.08
New Jersey	4,121.62	7,777.79
New York	206.40	816.94
Ohio	61.33	637.70
Pennsylvania	8,075.32	9,108.23
Puerto Rico	0.00	54.38
Rhode Island	116.84	116.84
Tennessee	2,888.13	5,914.99
Texas	0.15	293.74
Virginia	5,581.28	9,752.96
Vermont	119.63	119.63
Wisconsin	7.91	124.27
West Virginia	985.79	1,575.99
TOTAL	95,216.83	147,470.71

Amount of South Carolina Hazardous Waste Shipped Out-of-State in 1987

<u>State</u>	<u>Amount (in tons)</u>
Alabama	5,218.90
Arkansas	260.07
Florida	379.10
Georgia	2,280.11
Illinois	134.54
Indiana	114.04
Kansas	5.48
Kentucky	763.72
Louisiana	1,353.97
Massachusetts	12.15
Maryland	143.17
Michigan	322.10
Minnesota	39.92
Missouri	5.65
North Carolina	6,297.38
North Dakota	0.48
New Jersey	2,203.23
New York	74.23
Ohio	812.86
Oklahoma	12.39
Pennsylvania	15,416.12
South Dakota	0.24
Tennessee	136.39
Texas	291.78
Virginia	10.91
TOTAL	36,288.92

Executive Order

On January 18, Governor Campbell signed Executive Order 89-03. This order prohibits South Carolina hazardous waste disposal operators from accepting waste from another state which has banned waste disposal in its own state by any statute, regulation or administrative decision.

According to the Governor's Office, here is a preliminary list of states that might be affected by the order. The final list, now being compiled by DHEC to be released around March 1, may add or delete states on the preliminary list. The preliminary list includes: Massachusetts, Rhode Island, New Jersey, Pennsylvania, Florida, Kentucky, North Carolina, Louisiana and Kansas.

Although the text of the Executive Order is long, it does contain up-to-date information on where South Carolina stands regarding hazardous waste regulation, both here and on the national level. Here is the text of the Executive Order:

Whereas, the state of South Carolina is responsible for promoting and preserving an environment that is conducive to public health and welfare, and preventing the creation of nuisances from illegal dumping of hazardous waste; and

Whereas, South Carolina is promoting waste minimization, waste reduction, recycling, incineration and chemical treatment as alternatives to land filling; and

Whereas, the volume of hazardous waste disposed of in South Carolina is disproportionately out-of-state waste; and

Whereas, other states have failed to act responsibly in disposing of their own hazardous waste and have implemented by statute, regulations or administrative action, barriers and restraints against the disposal of hazardous waste within their own borders; and

Whereas, other states are not working cooperatively to solve the regional treatment and disposal problems of hazardous waste and should be encouraged to cooperate in a regional approach to hazardous waste treatment and disposal; and

Whereas, the citizens of South Carolina are concerned about the hazardous waste burden placed upon South Carolina which threatens our environment and the mental well-being of our citizens; and

Whereas, South Carolina has numerous hazardous waste sites on the national priority list for clean-up with an estimated 800,000 tons of waste requiring remedial action; and

Whereas, the state of South Carolina has established a comprehensive management program for the generation, storage, treatment and disposal of hazardous waste; and

Whereas, this program is administered by the South Carolina Department of Health and Environmental Control under authority of the South Carolina Hazardous Waste Management Act under Section 44-56-10 *et. seq.* Code of Laws of South Carolina 1976 (Cum. Supp 1987); and

Whereas, the state of South Carolina was authorized on November 8, 1985 to fully administer its hazardous waste management program; and

Whereas, the purpose of the program is to protect the health of the citizens of South Carolina and the environment of the state of South Carolina by proving a "cradle to grave" approach to the management of hazardous waste; and

Whereas, in order to assume the safe handling and disposal of hazardous waste, the South Carolina Hazardous Waste Management Act governs all persons who handle such waste, including those who create the waste (generators); those who ship waste from its point of origin to elsewhere (transporters) and those who own or operate hazardous waste management facilities (treatment, storage and disposal facilities); and

Whereas, it is a requirement of all states under Section 104 (c)(9) of the Comprehensive Environmental Response, Compensation and Liability Act (CERLA), as amended, to demonstrate by October 17, 1989, that a state has adequate capacity to manage the hazardous waste generated by the state and expected to be generated in the state for the next 20 years; and

Whereas, after October 17, 1989, no CERLA remedial actions can be taken in that state unless the state first enters into a contract or cooperative agreement with the Environmental Protection Agency providing such assurances; and

Whereas, the state of South Carolina can and will demonstrate adequate capacity to manage the hazardous wastes generated in this state for the prescribed period, and

Whereas, it is a requirement of the Resources, Conservation and Recovery Act and the regulations promulgated thereto, especially 40 C.F.R. Section 271.4, that states must demonstrate consistency with federal program requirements in order to administer their own hazardous waste management programs; and

Whereas, the state of South Carolina has an approved and consistent program for hazardous waste management; and

Whereas, any state law or state program which has no basis in human health or environmental protection and which acts as a prohibition on the treatment, storage or disposal of hazardous waste in that state may be deemed to cause that state to have an inconsistent program and lose authority to administer a hazardous waste management program; and

Whereas, the state of South Carolina has worked diligently with South Carolina industry to enhance economic development by providing appropriate and environmentally safe storage, treatment and disposal facilities within its borders while certain states have arbitrarily obstructed the treatment, storage or disposal of hazardous waste within their borders inconsistent with federal law; and

Whereas, the Environmental Protection Agency has failed to follow their own requirements and withdraw program authority from these states; and

Whereas, this failure to act and the failure of certain other states to meet their responsibilities in the management of hazardous waste have caused an unfair burden on the state of South Carolina.

Now therefore, I do hereby order that effective March 1, 1989, no person who owns or operates a disposal facility in this state shall accept a hazardous waste which is generated in another state and is banned or prohibited for disposal by any statute, regulation or administrative decision of that state. All hazardous waste treatment and disposal facilities in South Carolina shall give preference to hazardous waste generators within the state of South Carolina for treatment and disposal of hazardous materials at licensed facilities within the state. The state of South Carolina shall meet or exceed the pretreatment and land ban criteria established by the EPA which require all hazardous waste to be pretreated by either chemical treatment, incineration or such other form as necessary to detoxify as far as technically possible all wastes.

The Department of Health and Environmental Control is further instructed to accelerate its cleanup activities at the national priority listed Superfund sites within South Carolina.

This Executive Order shall be interpreted to encourage a reasonable and cooperative approach toward hazardous waste management within the southeast region and to encourage affected states and the Environmental Protection Agency to effectuate a comprehensive hazardous waste management program for the region:

The South Carolina Department of Health and Environmental Control is directed to ensure compliance with the provisions of this order.

Current Hazardous Waste Legislation Pending before the House

Here are some of the hazardous waste bills introduced in the House so far this session. These bills have been referred to the House Agriculture and Natural Resources Committee.

Hazardous Waste Landfill (H.3169, Rep. McLeod). This bill would decrease the amount of hazardous waste a landfill could accept over a three year period beginning in 1989. By 1992, no landfill in South Carolina could dispose of hazardous waste. The bill also makes it illegal for any landfill to accept hazardous waste from another state which has a policy prohibiting the disposal of waste in that state.

DHEC Study (H.3170, Rep. McLeod). This joint resolution would direct the state Department of Health and Environmental Control to conduct the studies and public hearings necessary to choose a site for the operation of a hazardous waste storage facility. The study and site selection must be completed by January 1, 1992 under this resolution.

No New Land Disposal Facilities (H.3171, Rep. McLeod). Under this bill, no new or expanded land disposal facilities may be permitted for the disposal of hazardous waste after January 1, 1992. After that date, wastes, which are not treated to eliminate their hazardous characteristics, would have to be stored for future retrieval and treatment or disposal.

Fee Increase (H.3172, Rep. McLeod). This bill calls for increases in the fees for in-state and out-of-state hazardous waste disposed of in South Carolina, with increased portions of these higher fees going to the state Hazardous Waste Contingency Fund and to the Pinewood Hazardous Waste Contingency Fund. The fees for non-hazardous waste would not be increased under this bill.

South Carolina Hazardous Waste Disposal Authority (H.3234, Rep. McLeod). This bill would create the seven-member state Hazardous Waste Disposal Authority, which would oversee the operation of hazardous waste facilities in South Carolina. The seven members would be appointed by the governor, with advice and consent from the Senate, from each congressional district and the state at-large. A citizen advisory panel also would be created to assist the board.

This authority would oversee the operation of any landfill disposal of hazardous waste in South Carolina. The legislation specifically states that no land can be used for a commercial hazardous waste landfill facility until the fee simple title to the land has been conveyed to the authority.

Further, the bill states that the authority would guarantee that a disposal facility for South Carolina-generated hazardous waste would be available. It also states that the "authority may determine that it is appropriate for it to displace any existing or potential competing system of hazardous waste management and disposal within the state."

For facilities in operation on the effective date of this bill, the current operator could lease back his facility from the authority for \$50 a year. However, as terms of the lease, the current operator must run the landfill under those provisions established by the authority. This bill would go into effect upon the signature of the governor.

Hazardous Waste Reduction (H.3297, Rep. Hallman). This bill would require an annual reduction in the amount of hazardous waste a landfill could accept, after setting a maximum amount at 135,000 tons in the 1989-90 fiscal year. After this maximum amount is set, the legislation requires that this amount be reduced by 10 percent each year for five years.

This reduction would also be required of in-state and out-of-state generators of hazardous waste if their waste is disposed of in South Carolina. Generators would be required to reduce the amount of waste it disposes in the state by 10 percent each year for five years, beginning with the 1989-90 fiscal year.

The bill also would prohibit the transporting of hazardous, solid or medical wastes into South Carolina for disposal unless the state of origin would permit the disposing of that type of waste from South Carolina.

Prohibition Against Hazardous Waste (H.3326, Rep. Sheheen).

This bill would make it unlawful for any owner or operator of a waste treatment, storage or disposal facility in South Carolina to accept hazardous waste from a state which prohibits by law the treatment, storage or disposal of that hazardous waste within its boundaries. This prohibition is extended to those states which have not entered into an interstate or regional agreement for the safe treatment, storage or disposal of hazardous waste as required by the federal Comprehensive Environmental Response, Compensation and Liability Act.

The bill would require the state to submit written documentation as proof that it complies with these requirements before waste from that state could be accepted in South Carolina.

The preamble of the bill states that "it is a genuine and significant interest of the state of South Carolina to protect the citizens and environment of the state from the unencumbered influx of hazardous waste generated in states which do not responsibly provide for the treatment, storage and disposal of hazardous waste within their own borders, or which refuse to enter into an interstate or regional agreement to share the responsibilities of safe and effective hazardous waste management."